



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTOX
ATTORNEY GENERAL

October 11, 1990

Mr. Joel V. Roberts
City Attorney
City of Odessa
P.O. Box 4398
Odessa, Texas 79760

OR90-488

Dear Mr. Roberts:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 10629.

We have considered the exceptions you claimed, specifically sections 3(a)(1), 3(a)(4), and 3(a)(10), and have reviewed the documents at issue.

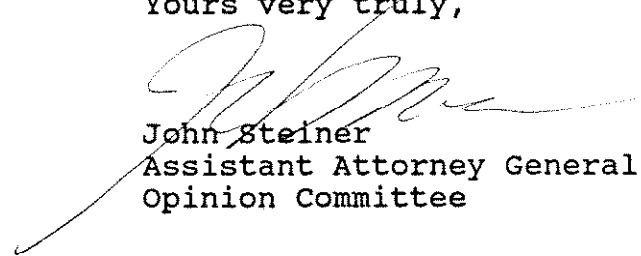
Under the Open Records Act, all information held by governmental bodies is open unless it falls within one of the act's specific exceptions to disclosure. The act places on the custodian of records the burden of proving that records are excepted from public disclosure. Attorney General Opinion H-436 (1974). A claim that an exception applies with no explanation of why it applies will not suffice. Id.

You have provided no basis for your assertion that the requested information is excepted from public disclosure under section 3(a)(1). Similarly, no explanation of how the requested information constitutes a trade secret is provided, nor is apparent on the face of the documents how such claim applies. The information provided for our inspection does not appear to be the kind of information excepted from public disclosure as "commercial or financial information." See Open Records Decision No. 550 (1990). Section 3(a)(4) does not except bids from disclosure when the bidding is over and the contract has been awarded. Open Records Decisions Nos. 319, 306 (1982); 184 (1978). Nor have you shown any specific actual or potential harm in a particular competitive situation. A general or a remote possibility that a competitor might gain an advantage by disclosure is not sufficient to invoke section 3(a)(4).

Accordingly, we have no basis upon which to consider your claims. For this reason, you must release the requested information.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-488.

Yours very truly,



John Steiner
Assistant Attorney General
Opinion Committee

JS/le

Ref.: ID# 10629

cc: J. Pat Scarborough
Senior Vice President
Texas Commerce Bank-Odessa, N.A.
P.O. Box 4797
Odessa, Texas 79760